

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

In Re: )  
 ) Case No.: 20-01344-DSC13  
YVONNE DECARLO JOHNSON, )  
SSS: ###-##-5233 )  
 )  
 )  
Debtor. )  
 )

TRUSTEE'S OBJECTION TO CONFIRMATION AND MOTION TO DISMISS

COMES NOW Bradford W. Caraway, Chapter 13 Standing Trustee, and objects to the confirmation of Debtor's plan and moves to dismiss this case based upon the following grounds:

1. The plan payments proposed by the Debtor are insufficient to fund the plan. The Trustee recommends payments of \$713.00 monthly to pay the proposed plan within 5 years .
2. However, the recommended payments are not feasible as required by 11 U.S.C. § 1325(a)(6) because they exceed the projected disposable income listed in the Debtor's schedules.
3. The plan does not provide for payment of secured Claim 6 for mortgage arrears owed to Nationstar Mortgage for \$1,566.39.
4. The fixed payment of \$300.00 monthly offered to Santander will not cure claim no. 5 with interest within 54 months. The Trustee recommends a fixed payment of \$365.00 monthly instead.
5. Pursuant to 11 U.S.C. § 521(e)(2)(A)(i) and Fed. R. Bankr. P. 4002(b)(3), the Debtor has not provided the Trustee with a copy of her 2018 Federal income tax return or a transcript of said tax return.
6. The plan does not provide for payment of potential lawsuit proceeds regarding an EEOC claim.

WHEREFORE, the Trustee objects to the confirmation of the Debtor's plan and moves to dismiss this case. The Trustee prays for such other relief as the Court deems appropriate.

KM

Bradford W. Caraway  
Chapter 13 Standing Trustee

By: /s/Mary Frances Fallaw  
Mary Frances Fallaw  
Staff Attorney  
Post Office Box 10848  
Birmingham, Alabama 35202  
(205) 323-4631

CERTIFICATE OF SERVICE

I hereby certify that a correct copy of the forgoing Objection has been forwarded by email or U.S. Mail to the following on this the 27th day of May 2020:

DAISY M HOLDER, ATTY  
holderesq@aol.com

YVONNE DECARLO JOHNSON  
800 JEFFREY CIRCLE  
BIRMINGHAM, AL 35235

/s/Mary Frances Fallaw  
Staff Attorney

KM